

STORM WATER ENFORCEMENT

1. PURPOSE

- a. Develop standard escalating enforcement procedures to minimize the occurrence of and obtain compliance from violators.

2. ENFORCEMENT ACTION DEFINITIONS

- a. **SWPPP Corrective Action Notice** – A formal notice using the SWPPP Compliance Inspection Form that informs a contractor of the status of compliance with State permit regulation or City ordinance/code. It is used to inform the contractor of any violations and demands items be corrected according to a schedule defined by the Inspector.
- b. **Warning Notice** – A formal notice that informs a person, business, or other entity that requirements of any of the following have been violated:
 - Title 13 – Streets and Public Improvements
 - Title 17 – Storm Water Ordinance
 - Land Development Code
 - Jordan Valley Municipalities Permit (No. UTS000001)
 - Utah General Construction Permit (No. UTRC00000)
 - Salt Lake County Code of Ordinances

Generally, a Warning Notice is issued after educating and following up with the person, business, or other entity, or after a SWPPP Corrective Action Notice has been issued, and the violation is not adequately addressed. A warning notice demands that activities causing the violations cease and be corrected according to a schedule defined by the Inspector.

- c. **Notice of Violation (NOV)** – A formal non-criminal and non-monetary notice that informs a person, business, or other entity that requirements of the State permit or City ordinance/code has been violated. The NOV demands that activities causing the violations cease and be corrected, including restitution for damages, according to a schedule defined by the Inspector. For construction projects, the NOV may demand that ALL work on the project cease and may include holding of inspections/permits or shutting off services. However, all unsafe conditions, pollution control BMPs, any disruption to the Right-of-Way or any affected private property be restored to acceptable use prior to leaving the project site. Generally an NOV is issued after a Warning Notice is disregarded, as documented by the Inspector.
- d. **Citation** – A formal notice that informs a person, business, or other entity that requirements of the State permit or City ordinance/code has been violated and serves notice of possible fines and criminal charges. Generally, a Citation is issued after an NOV has been issued. However, a Citation may be issued without prior warning for violations that have a significant impact on water quality, pose physical hazard or public

nuisance. A Citation may be issued for each violation, each day the site is in violation. A citation may be issued by the Police Department and Code Enforcement.

3. CONSTRUCTION ENFORCEMENT

- a. The Inspector is to communicate (verbal, email, and using SWPPP Compliance Inspection Form) with the Contractor regularly through the permit term to achieve understanding of the State permit regulation and City ordinance/code requirements. Generally, all communication is to be recorded in the "Comments and Corrective Actions for SWPPP Compliance" of the SWPPP Compliance Inspection Form in Utilisync.
- b. SWPPP Corrective Action Notice is provided to the Contractor using the SWPPP Compliance Inspection Form in Utilisync. The notice should include correction deadlines. The notice can include language that informs and educates if it is effective at correcting the violations.
- c. The Inspector is to follow up and communicate with the Contractor to confirm that Corrective Action Notice items have been addressed. The Inspector should evaluate understanding or expected understanding and issue a Warning Notice (via email using Utilisync Enforcement form) as necessary. The Warning Notice should include correction deadlines and a warning that if not addressed adequately, further enforcement may be required including but not limited to NOV and Citation.
- d. Generally, ample warning and communication should occur prior to issuing further enforcement actions. If the Contractor continues to disregard warnings and communications, the Inspector should generally exercise the use of non criminal enforcement actions, including NOVs (via email using Utilisync Enforcement form) to obtain compliance and the restitution of damages. If non-compliance and damages continue, Citations that can result in a criminal record may be exercised. However, immediate enforcement may be applied for violations that are severe, including but not limited to intentional dumping of material that will do harm or allowing of this material to contaminate by neglect.
- e. Per the Memorandum of Understanding (MOU) between Salt Lake County (SLCo) and Sandy City, the Salt Lake County Health Department (SLCoHD) is to be contacted for any incidents involving spills, releases or the discharge of pollutants, contaminants, or wastes into the waterways or drainage system. SLCoHD will respond and investigate the incident, work with the responsible party to ensure the spill and/or discharge is remediated, and initiate appropriate enforcement actions as needed.

4. POST CONSTRUCTION ENFORCEMENT

- a. The Inspector is to communicate (verbal, email, and using the Post-Construction Inspection Report) with the owner to achieve understanding of the State permit regulation and City ordinance/code requirements. Generally, all communication is to be recorded in the "Comments for Compliance" of the Post-Construction Inspection Report.
- b. Corrective Action Notice is provided to the Owner using the Post-Construction Inspection Report. The notice should include correction deadlines. The notice can include language that informs and educates if it is effective at correcting the violations.

- c. The Inspector is to follow up and communicate with the Owner to confirm that all Corrective Action Notice items have been addressed. The Inspector should evaluate understanding or expected understanding and issue a Warning Notice (via email using Utilisync Enforcement form) as necessary. The Warning Notice should include correction deadlines and a warning that if not addressed adequately, further enforcement may be required including but not limited to NOV and Citation.
- d. Generally, ample warning and communication should occur prior to issuing further enforcement actions. If the owner continues to disregard warnings and communications, the Inspector should generally exercise the use of enforcement actions, including NOVs (via email using Utilisync Enforcement form) to obtain compliance. If non-compliance continues, Citations may be exercised. However, immediate enforcement may be applied for violations that are severe, including but not limited to intentional dumping of material that will do harm or allowing of this material to contaminate by neglect.
- e. Per the Memorandum of Understanding (MOU) between Salt Lake County (SLCo) and Sandy City, the Salt Lake County Health Department (SLCoHD) is to be contacted for any incidents involving spills, releases or the discharge of pollutants, contaminants, or wastes into the waterways or drainage system. SLCoHD will respond and investigate the incident, work with the responsible party to ensure the spill and/or discharge is remediated, and initiate appropriate enforcement actions as needed

5. INCIDENT ENFORCEMENT

- a. For storm water pollution incidents relating to minor construction related staging activities, nuisance material in right-of-way, landscaping projects etc. The Inspector is to verbally communicate, educate and inform the violator of laws, ordinances, codes, and any other concerns. Generally, a deadline will be given to correct the violation.
- b. The Inspector is to follow up and communicate with the violator to confirm that the violation has been corrected. The Inspector should evaluate understanding or expected understanding and issue a Warning Notice as necessary. The Warning Notice should include correction deadlines and a warning that if not addressed adequately, further enforcement may be required including but not limited to a Citation.
- c. Generally, ample warning and communication should occur prior to issuing further enforcement actions. If the violator continues to disregard warnings and communications a citation may be issued, to obtain compliance and the restitution of damages. However, immediate enforcement may be applied for violations that are severe, including but not limited to intentional dumping of material that will do harm or allowing of this material to contaminate by neglect.
- d. Per the MOU between SLCo and Sandy City, the SLCoHD is to be contacted for any incidents involving spills, releases or the discharge of pollutants, contaminants, or wastes into the waterways or drainage system. SLCoHD will respond and investigate the incident, work with the responsible party to ensure the spill and/or discharge is remediated, and initiate appropriate enforcement actions as needed.

6. DOCUMENTATION

- a. Documentation of all enforcement shall be documented using Utilisync and Cityworks.